



Writer's direct phone  
617-946-4858  
Writer's e-mail  
kmcgurn@seyfarth.com

World Trade Center East  
IN CLERKS OFFICE  
Suite 300  
2005 JAN 27 P 1:23  
Boston, MA 02201-3028  
617-946-4800  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
617-946-4801  
www.seyfarth.com

January 27, 2005

**BY HAND**

Susan Farbstein, Civil Clerk  
United States District Court for  
The District of Massachusetts  
Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

**Re: Kevin Kilelee v. Dow Chemical Company  
04-CV-12130 MEL**

Dear Ms. Farbstein:

Once again, I submit this letter to assert the opposition of Defendant, The Dow Chemical Company ("Dow"), to the Plaintiff's Motion to Amend the Complaint ("Motion") and supporting papers. According to the docket, Plaintiff's Motion apparently was filed on January 14, 2005, the day *after* Judge Lasker *denied* Plaintiff's motion for leave to respond to Dow's motion to dismiss and to file an amended complaint. In his January 13, 2005 Order, Judge Lasker pointed out that Plaintiff's attempts to respond to the Motion to Dismiss were tardy, having been lodged after the Court had granted Dow's Motion to Dismiss and closed the case. Plaintiff's Motion is flatly inconsistent with the Court's January 13, 2005 Order and, accordingly, Dow opposes it.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Sincerely yours,

SEYFARTH SHAW LLP

A handwritten signature in cursive script, appearing to read "Kristin G. McGurn".

Kristin G. McGurn

cc: Sara A. Arons, Esq.  
David G. Prentiss, Esq.  
Lisa J. Damon, Esq.